

STATEMENT

OF

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BEFORE THE

**HOUSE JUDICIARY COMMITTEE
SUBCOMMITTEE ON IMMIGRATION AND CLAIMS**

REGARDING

**IMMIGRATION ENFORCEMENT
ALONG THE NORTHERN BORDER**

**2226 RAYBURN HOUSE OFFICE BUILDING
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Mr. Chairman, Congresswoman Jackson-Lee, and Members of the Subcommittee, I am pleased to have the opportunity to talk to you today about the Immigration and Naturalization Service's (INS) role in enforcement of our immigration laws at the Northern Border of the United States that we share with Canada. I am also pleased that my colleagues, Mr. Gene Davis, Deputy Chief Patrol Agent, Blaine, Washington, and Mr. Thomas Leupp, Chief Patrol Agent, Swanton, Vermont, are here with us today.

Our border with Canada is the longest nonmilitarized border in the world. This is a testament to the longstanding, friendly relationship that exists with our northern neighbor. This border, however, is not unmonitored or uncontrolled. The INS maintains 114 Ports-of-Entry (POEs) , 8 Border Patrol Sectors and 44 Patrol stations along the 3,987 miles of border with Canada (excluding Alaska).

Before I cover our border enforcement strategy, I want to discuss four important, related issues. The first is the importance of our close cooperation with Canada. Second, is the means by which we utilize the latest improvements in technology to control illegal immigration on the Northern Border. The third subject is our anti-smuggling effort as it relates to both alien and drug smuggling. And lastly, I will discuss the serious topic of terrorism and the use of Canada as a staging area for terrorists seeking entry to the United States.

COOPERATION

The joint United States/Canada Accord on Our Shared Border, announced February 24, 1995, committed the United States and Canada to a number of commercial goals. The Accord

also addressed common enforcement issues, including:

- Combating the misuse of asylum applications;
- Enhancing border protection with more effective inspection efforts which target drugs, smugglers and the illegal movement of people; and
- Continuing our commitment to pool our inspection and enforcement resources.

Since 1995, the two countries have worked as partners to implement a number of Accord initiatives. A steering committee, made up of representatives from the various government departments involved, is guiding this implementation. Together, the United States and Canada are sharing technology that will detect movement of illegal persons and contraband. Together, the United States and Canada are working toward the long-term goal of preserving and further developing the unique nature of this shared border, while jointly addressing concerns about illegal migration to North America.

The Royal Canadian Mounted Police (RCMP) actively assist in investigations of alien smuggling organizations. One unique indicator of the good working relationship between the United States and Canada is that in Canada it is a crime to conspire to break U.S. laws. This Canadian law gives the RCMP the legal leverage necessary to act against organizations planning to commit crimes in the United States. The RCMP has devoted considerable personnel and money to assist U.S. law enforcement efforts. As an example, for Operation Over the Rainbow II, the RCMP and the Toronto Police dedicated approximately 15 officers on a full-time basis for six months.

Operation Over the Rainbow II, coordinated out of the INS Buffalo District Office, involved alien smuggling activities through the St. Regis Mohawk Territory at Akwasasne, located near Massena, NY. Alien smugglers, using Native American guides, smuggled Chinese aliens. With the assistance of the RCMP, a total of 46 individuals were indicted. Currently, 36 defendants in the United States are in custody. Three of the defendants have accepted plea agreements. The remaining ten defendants were indicted in Canada. The case highlights how shared intelligence and close coordination between the two countries, in both undercover operations and in the execution of the various arrest warrants, is essential to the dismantling of an organization that straddles an international border.

TECHNOLOGY

The United States and Canada are able to detect and refuse admission to criminals through shared data contained in systems that are quickly accessed in coordination with border operations. This technology is a small part of the advanced systems being utilized on the Northern Border.

Other technology advances utilized along the Northern Border have assisted INS in expediting low-risk, high volume traffic through our Ports-of-Entry (POEs), while maintaining effective enforcement. These inspections enhancements allow the Service to concentrate our enforcement personnel on higher risk border crossers

- Dedicated Commuter Lane/CANPASS – programs to expedite pre-cleared low-risk, frequent crossers at land ports, currently in Buffalo, NY; Blaine, WA and Detroit, MI.

- INSPASS/CANPASS – programs to facilitate low-risk, frequent air travellers are in place in pre-clearance sites in Vancouver and Toronto.
- Remote Video Inspection Service (RVIS) – This provides 24-hour access to inspections at low volume land ports of entry. It ensures inspection at remote locations. RVIS is currently deployed to 11 Northern Border locations, with plans for expansion to additional sites.
- Outlying Area Reporting Station (OARS) Videophone inspections systems have allowed INS to expand the hours of operation at smaller POEs and provide a means to inspect persons from remote locations. Without videophones we were unable to offer the enhanced benefit of longer hours and the inherent enforcement benefit of conducting an inspection where none previously existed. The system allows private pleasure boats to report for inspection at remote stations where no previous inspection site existed. OARS is currently deployed to 35 Northern Border locations, with plans for further installation.

We continue to enhance Border Patrol technology for enforcement efforts as well. Northern Border Patrol Sectors have received 9 LORIS infrared scopes, 152 night vision goggles, 35 pocket scopes, 1,333 sensors, 110 ASTRO portable Encrypted Voice Radio Program (EVRP)-capable radios and 82 ASTRO Spectra EVRP-capable mobile radios.

In addition, two new technology camera systems are currently planned for installation on the Northern Border. These systems, known as Integrated Surveillance Intelligence Systems (ISIS) consist of high-resolution day cameras and infrared night vision cameras. These cameras provide live video to the Border Patrol. This video is used to monitor the border, identify the source of

ground sensor activations, detect illegal activities and dispatch agents as needed.

The Blaine Border Patrol Sector will get the first Northern Border ISIS installation, expected to be completed this year. A second camera project, now in the planning stages, will be located in Buffalo Sector near the Niagara River. We estimate that project will be completed early next year.

SMUGGLING

Along the Northern Border our efforts against alien smuggling continue to increase, especially in the area of criminal prosecutions. Like our other enforcement efforts, cooperation and coordination with the Canadians is key to our efforts. The Northern Border is a favored transit point for aliens from the Asia, particularly China. Canada's asylum law permits persons to enter Canada, claim asylum and be free while their cases are processed. Some of them attempt entry to their real destination—the United States. Chinese nationals typically board Canada bound airliners with fraudulent passports or other travel documents. Upon arrival, the aliens then claim to be refugees and are released by the Canadian authorities pending a hearing. Groups of Chinese then travel to large cities such as Vancouver, Toronto or Montreal, where they are staged for the smuggling attempt into the United States. Other nationalities typically follow this format, with variations, dependant on applicable Canadian law. For example, some nationalities need only a passport and no visa to enter Canada. The most active entry points are through Swanton Sector in Northern New York and Vermont, Blaine Sector in Washington State, and Buffalo Sector in Western New York.

With increased INS anti-smuggling activity, and with the support of U.S. Attorneys on the Northern Border, the number of smuggling case prosecutions for the Northern Border have increased from 184 in FY 1997, to 194 in FY 1998, to 137 in just the first six months of FY 1999.

The INS Inspections Division is involved in combating drug smuggling in cooperation with the U.S. Customs Service at POEs, while the Border Patrol is the primary agency responsible between the POEs.

The Inspections Division of INS participated in 303 drug seizures on the Northern Border in FY 1998, about 13% of the Inspections national total, i.e. less than 1% of the marijuana and cocaine by weight. Border Patrol Sectors along the Northern Border were responsible for 217 (4%) of the 6,665 national drug seizures made by the Border Patrol in FY 1998. By weight, the Northern Border was responsible for less than 1% of the marijuana and less than 1% of the cocaine seized by the Border Patrol.

The INS is not the primary agency responsible for drug investigations. Our cases originating at POEs are processed through the efforts of the U.S. Customs Service. Customs either makes the drug seizures from INS referrals or takes over seizure and investigation based upon an INS discovery on primary inspection. Between the ports-of-entry, where Border Patrol is the lead agency responsible for interdicting drugs, Border Patrol turns cases over to the Drug Enforcement Agency (DEA) for federal level cases, or to local enforcement agencies for non-

federal level seizures. Accordingly, we do not have statistics on prosecutions or outcomes of these cases.

TERRORISM

When it comes to a potential terrorist threat to the United States, numbers do not tell the story. Much of the terrain from the Midwest to the Pacific Northwest is rugged and sparsely populated. While this deters casual illegal entrants, it also renders detection more difficult for those charged with patrolling our borders. Nonetheless, the U.S. Border Patrol is ever vigilant to the potential threat of terrorist entry across the Northern Border.

One notable case is the case of Gazi Ibrahim Abu Mezer. This Palestinian was ultimately arrested within the United States, charged and convicted for possession of pipe bombs, which he intended to detonate in the subways and other public places of New York City.

Now, you may wonder why I cite Mezer as an example of success, since he did enter the United States. But the reality of Mezer's case is that he was intercepted by INS three times as he attempted to cross illegally. After his first two attempts, Mezer, who claimed refugee status in Canada, was repatriated across the border. On his last attempt at entry he was placed in removal proceedings, and INS recommended he be held without bond. However, he was released on bond by a judge because there was no record or other indication of a criminal history or involvement in terrorism. Mezer's case illustrates both the effectiveness of the Border Patrol at the Northern Border, and the complexities of combating terrorism in a free society.

Abu Mezer is not the only terrorist who has used Canada as his portal to the United States. Other aliens with terrorist ties to such diverse groups as the IRA, HAMAS, the Tamil Tigers and various Sikh separatist groups have also done so.

In the fall of last year, the director of the Canadian Security Intelligence Service (CSIS) testified before his Senate that CSIS was investigating 50 terrorist organizations that had established infrastructures in his country. Put simply, this is because Canada, like the United States, has a long and cherished tradition of embracing immigrants and openness of expression. And, as with the United States, one of the challenges for their democracy is in striking the right balance between openness and guarding against becoming a refuge for terrorists from abroad.

In combating terrorism, in particular, the challenge for United States and Canadian officials is the rapid and timely exchange of information on such individuals, who pose a shared threat. While most exchanges of information follow established formal protocols, there is also considerable personal liaison between officers and direct communication between INS and Canadian agencies.

There are three different locations in which INS identifies suspected terrorists, and I will briefly describe them:

Ports-of-Entry: At POEs, our inspectors use the Interagency Border Inspections System, or IBIS, to verify and obtain information on applicants for admission. IBIS is made up of several information systems including: National Crime Information Center (NCIC), Treasury Enforcement Communication System (TECS). It also includes the INS' own National Automated

Immigration Lookout System (NAILS), and the State Department's Consular Lookout And Support System (CLASS), as well as TIPOFF, a (non-acronym name) terrorist database. Each of these systems is capable of providing information on an applicant's past history and affiliations. TIPOFF is particularly helpful in the detection of terrorists, as it is a repository of classified information collected from the federal intelligence and law enforcement communities.

In addition to these index checks, of course, INS inspectors are continually alert to the possibility of presentation of altered or counterfeit documents. When this occurs in combination with other factors leading to a suspicion that the subject may be a terrorist or supporter of terrorist organizations, the Inspector notify the FBI, as well as others within INS's own chain of command. This results in an extensive debriefing of the suspect and a thorough search of his or her possessions. Determinations as to custody and initiation of criminal or removal proceedings are made thereafter.

Between the Ports: When Border Patrol agents apprehend an alien attempting to enter without inspection, they too conduct automated index checks and thereby have access to the same information databases. In addition, Border Patrol and Inspectors at POEs are routinely notified via "heightened security alerts" of any activities or events of which they must be particularly vigilant in their patrol duties. Standing instructions require that apprehended subjects suspected of terrorist involvement be immediately reported to INS Headquarters through regional offices. This notification triggers a chain of events, including coordination with other intelligence and enforcement agencies of the government (FBI, CIA, etc.), in order to determine the true identity and affiliations of the suspect taken into custody.

Urban Areas Proximate to the Border: In U.S. cities and populated areas under the jurisdiction of district offices, such as Detroit, INS Investigations special agents are assigned to the FBI-led Joint Terrorism Task Forces (JTTFs). By this liaison and coordination mechanism, these agents work side-by-side with other agency counterparts in proactively investigating and detecting aliens suspected of involvement with, or support of, terrorist activities. Determinations are made jointly with the FBI as to whether and when to initiate criminal or administrative enforcement actions within INS jurisdiction.

BORDER STRATEGY

Now that I've discussed these important and unique aspects of our operations at the Northern Border, I would like to address our border strategy. The INS has a national strategy for control of the border. Simply stated, that strategy is to regain control of the border by focusing new resources on those areas where most illegal crossings occur. We know that as our enforcement presence increases, crossing patterns shift. Our newest resources are assigned accordingly. In the case of the Border Patrol, we are concentrating our efforts on the area of greatest need - the Southwest Border - where we commenced deployment of new personnel in 1994 in the El Paso and San Diego areas. Further deployments have progressed to Tucson and South Texas. Future concentrations will be in the remainder of the Southwest Border, the Coastal States, Puerto Rico and the Northern Border. Our experience to date does not indicate a shift in illegal entries from the Southwest to the Northern Border. The shifts have occurred within the area of the Southwest Border, as we had anticipated in our planning.

Nationally, the Border Patrol apprehended more than 1.5 million aliens in FY 1998. Of

these, about 12,000, or 1%, were apprehended near the Northern Border. Of these 12,000, only a small number were recent entries without inspection who came across the Northern Border. A statistical chart details these figures for the last three fiscal years (see attachment 1.1, 1.2). Apprehension figures of illegal entries from Canada into the United States are small when compared to those on our Southwest Border. Still, the Northern Border is an alternative gateway for illegal entry into the United States, and migrants from well over 100 countries attempted illegal entry into the United States from Canada last year.

Illegal immigration across the Northern Border has been through attempts at Ports-of-Entry utilizing traditional means, such as false claims to U.S. citizenship, misrepresented purpose for entry, and fraudulent or improper documentation, and through entry without inspection between ports. I have provided a statistical chart (attachment 2.1) that covers the last three fiscal years, and compares total numbers of persons inspected to detected illegal attempts for entry. Total persons inspected on the Northern Border for FY 1998 was 113 million, while persons refused entry was 131,793. The Southwest Border numbers were 304 million and 396,976, respectively. As with the experience of our Border Patrol, a higher percentage of inadmissible persons are encountered on the Southwest Border.

Also of serious concern is the illegal migration of persecutors. Canada, like the United States, is a responsible member of the international community. Both countries have undertaken peacekeeping responsibilities in various parts of the globe under the auspices of the United Nations or North Atlantic Treaty Organization. And, both countries have accepted their fair share of refugees fleeing war, oppression and even genocide abroad. Thus, both countries have

also faced the difficult problem that emerges when human rights abusers and persecutors, fleeing justice, change their identities to merge among the throngs of persecuted seeking refuge in stable and welcoming democracies. And, when discovered by their hosts, such persecutors will again attempt to hide among the displaced. Because of geographical proximity, when such persecutors are discovered by Canadian immigration or security authorities, they often flee south to the United States. This has happened, for instance, with a number of former officials of the Siad Barre regime in Somalia. These active cases are under proceedings and we are unable to site specifics at this time.

With regard to staffing, expansion of personnel in officer occupations within the INS has been at a much slower rate than the Border Patrol increases. The national strategy for these other officer positions is to examine the individual need of each INS district and distribute new assets equitably, according to the overall analysis of each identified need. Accordingly, we have seen minimal, if any, increases in officer staffing along the Northern Border.

The INS staffing for the Northern Border for the last three fiscal years is covered in the third chart (attachment 3.1). We have allocated 22 new Border Patrol Officer positions to three of the Northern Border Sectors this fiscal year. A total of 113 million people were inspected on the Northern Border in FY 1998, and 131,793 people were refused entry into the United States during that period. The FY 1998 figures for the Southwest border were 304 million inspections and 396,976 persons refused entry. Thus, approximately 27% of the workload is covered by a commensurate 25% of INS' Inspections staff. Thus h is staffed with 25% of the INS personnel assigned to the Inspection program. Both apprehension statistics and

inspection statistics overwhelmingly indicate that our greatest need for enforcement is along the Southwest Border.

CONCLUSION

As you can see, the situation at the Northern Border presents both challenges and, because of our close partnership with Canada, unique advantages and opportunities. Through cooperation and technology, the United States and Canada have maintained our shared goal of a secure border. Clearly, there is much more to be done. But while we work in partnership on the Northern Border, we must focus the bulk of our efforts and resources toward regaining control of the Southwest Border. This is our strategy, and we believe it is sound. In closing I would emphasize that inherent in our strategy is the flexibility to respond to emerging conditions and changing tactics. As we have demonstrated in the past, INS is prepared to shift the deployment of new and existing resources to meet any threat, in any location.

I thank the Subcommittee for the opportunity to present this testimony and I am available to answer any questions that you might have.